

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED  
CENTRAL FAX CENTER

JUL 09 2008

Re: US Patent Application 09/869,550  
Filed January 8, 2002  
Title Online Ordering System, in Particular for Food Outlets, and Method for  
Operating an Online Ordering System of this Type  
Applicant Trebesius  
Art Unit 3625  
Examiner Marissa T. Thein 11/10/2008 CKHLOK 00000009 110665 09869550  
Phone 571 272 6764 01 FC:2202 10.00 DA 115.00 OP  
Attorney Docket (H) 01ICP0235USP 02 FC:2453 770.00 DA  
Adjustment date: 11/10/2008 CKHLOK  
11/04/2005 TL011 00000011 09869550  
03 FC:2622 -115.00 OP

Mail Stop Office of Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**Petition to Reconsider Withdrawing the Holding of Abandonment under 37 CFR  
1.181**

**Attention: Office of Petitions: This communication is mailed in response to the  
decision from the Office of Petitions mailed May 19, 2008, and the petition for  
expedited treatment under 37 CFR 1.182 was granted. Consequently, this Petition  
to Reconsider Withdrawing the Holding of Abandonment should receive expedited  
treatment.**

To Whom it May Concern:

The Decision mailed on May 19, 2008 states that the evidence presented  
demonstrates a reply was timely submitted, but the submission of the petition to withdraw  
the holding of abandonment was untimely, since it was not filed within 2 months of the  
mail date of the notice of abandonment, which was mailed on September 20, 2007.

When Applicant filed the Petition to Withdraw the Holding of Abandonment, the  
focus of the Petition centered on the fact that the present patent application was wrongly  
abandoned due to USPTO error, as a response was timely filed and the USPTO failed to

Trebesius (H)01ICP0235USP US Patent Application 09/869,550  
Request to Reconsider the Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181  
submitted by facsimile on 07/09/2008, fax number 571-273-8300 with certification

charge the funds present in the deposit account for a \$10 insufficiency, in spite of a general authorization to charge the deposit account being present in the application file. Given Applicant's attention to that focus, Applicant did not state the reason for the timing of the submission of the Petition to Withdraw the Holding of Abandonment, which was filed on April 30, 2008. (The Notice of Abandonment was mailed on September 20, 2007). In actuality, the Petition to Withdraw the Holding of Abandonment was submitted thirty days after the Notice of Abandonment was received by Applicant's attorney's office. The address for Applicant's attorney's office is 11011 Bermuda Dunes NE, Albuquerque, NM 87111. The Notice of Abandonment was delivered to 11001 Bermuda Dunes NE, Albuquerque, NM 87111. The occupants of that address (11001) are rarely present at the address (it is common for there to be nobody present at the address for months at a time). Applicant has been unable to obtain accurate contact information for the occupants of the above address when they are absent from their Albuquerque address. When a resident of 11001 Bermuda Dunes NE was present on the week-end of March 28-30, 2008, they noted that several pieces of mail intended for 11011 Bermuda Dunes NE had been inappropriately delivered to their address. The residents had noted that the mail included some "important" mail, and that the mail included a bank statement and mail from the USPTO. The pieces of mail were brought to the correct address (Applicant's attorney's address) on March 30, 2008, and one of the pieces of mail was the Notice of Abandonment for the present application mailed on September 20, 2007. Applicant's attorney's office researched the abandonment, and determined that the case was inappropriately abandoned. The Petition to Withdraw the Holding of Abandonment was faxed to the USPTO on April 30, 2008.

Trebesius (H)01ICP0235USP US Patent Application 09/869,550  
Request to Reconsider the Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181  
submitted by facsimile on 07/09/2008, fax number 571-273-8300 with certification

2

The reason for the timing of the present Petition to Reconsider Withdrawing the Holding of Abandonment is that it was learned that the occupants of 11001 Bermuda Dunes NE were to be present at their residence from July 4, 2008 through July 7, 2008. It was hoped that Applicant's attorney could obtain an affidavit from the residents at 11001 Bermuda Dunes NE supporting that they had brought the mail intended for 11011 Bermuda Dunes NE to the correct address on March 30, 2008. However, the occupants of 11001 Bermuda Dunes NE did not return for the 4<sup>th</sup> of July week-end. Hence, this request to reconsider the Petition to Withdraw the Holding of Abandonment is submitted without an affidavit from the residents of 11001 Bermuda Dunes NE. Given there is no affidavit available, Applicant's attorney hereby declares that, based on his own knowledge and belief, the Notice of Abandonment was received by his office on March 30, 2008, and the Petition to Withdraw the Holding of Abandonment was submitted within two months of receipt of the Notice of Abandonment.

It is respectfully requested that the Petition to Withdraw the Holding of Abandonment be reconsidered and that the case be revived, the Amendment after Final Action with RCE (submitted 11/3/2005) be entered and the examination continue. Further consideration and allowance of the claims is respectfully requested.

Applicant respectfully requests that this Request to Reconsider the Petition to Withdraw the Holding of Abandonment receive a Decision as quickly as possible, and that the case be forwarded to the Examiner to enter and review the Amendment After Final Action and RCE as soon as possible. Thank you in advance for your consideration.

Trebesius (H)011CP0235USP US Patent Application 09/869,550  
Request to Reconsider the Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181  
submitted by facsimile on 07/09/2008, fax number 571-273-8300 with certification

3

RECEIVED  
CENTRAL FAX CENTER  
JUL 09 2008

If this request to reconsider the Petition to Withdraw the Holding of Abandonment is not granted, it is respectfully requested that deposit account 11-0665 be charged for the small entity fee (\$770) for a Petition to Revive an Unintentionally Abandoned Application. A duplicate of this page is included for this purpose. Applicant's attorney declares that the entire period of abandonment was unintentional.

Respectfully submitted,



M. Robert Kestenbaum  
Reg. No. 20,430  
11011 Bermuda Dunes NE  
Albuquerque, New Mexico 87111  
Phone (505) 323-0771  
Fax (505) 323-0865

I hereby certify this correspondence is being submitted by facsimile transmission to Commissioner for Patents, Mail Stop Office of Petitions, fax number (571) 273 8300, on 07/09/2008.



M. Robert Kestenbaum

Trebesius (H)01ICP0235USP US Patent Application 09/869,550  
Request to Reconsider the Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181  
submitted by facsimile on 07/09/2008, fax number 571-273-8300 with certification

4